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 7

8 UNITED STATES DISTRICT COURT  
 9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,	)	No. 08CR1171-W
	)	
11 Plaintiff,	)	GOVERNMENT'S RESPONSE TO
	)	DEFENDANT'S MOTION TO CONTINUE
12 v.	)	
	)	DATE: June 9, 2008
13 DAVID C. JACQUOT,	)	
	)	TIME: 2:00 p.m.
14 Defendant.	)	
15 _____	)	

16  
 17 The United States of America, by and through its counsel, Karen P. Hewitt, United States  
 18 Attorney, and Faith A. Devine, Assistant United States Attorney, hereby files its response to Defendant  
 19 David C. Jacquot's Motion to Continue.

20 The Government does not object to a continuance of the Motion Hearing/Trial Setting date. The  
 21 Government provided discovery to Defendant on May 22, 2008. The Government expects to provide  
 22 additional discovery requested by Jacquot and to also make voluminous bank records available for  
 23 inspection. The Government agrees that Jacquot needs additional time to review this discovery before  
 24 he can file further substantive motions.

25 The Government respectfully requests that the court conduct an inquiry pursuant to Farreta v.  
 26 California, 422 U.S. 806, 821 (1975) to determine whether Jacquot has knowingly and voluntarily  
 27 waived his right to counsel and to clarify his stated intention to retain counsel. As part of the inquiry,  
 28 the Government requests that Jacquot be advised of the dangers of self-representation and the

1 consequences of his failure to retain counsel in a timely manner. See e.g., United States v. Fazzini, 871  
2 F.2d 635, 643 (7<sup>th</sup> Cir. 1989)(“once the defendant has knowingly and intelligently waived his right to  
3 counsel, only a substantial change in circumstances will require the district court to inquire whether the  
4 defendant wishes to revoke his earlier waiver”); United States v. Tolliver, 937 F.2d 1183, 1187 (7<sup>th</sup> Cir.  
5 1991)(“it is well within the discretion of the court to deny as untimely requests for counsel made after  
6 meaningful trial proceedings have begun”).

7 DATED: June 2, 2008

8 Respectfully submitted,  
9 KAREN P. HEWITT  
United States Attorney

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11 FAITH A. DEVINE  
12 Assistant U.S. Attorney  
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